

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of)	
Tribal Mobility Fund Phase I Auction 902)	
Scheduled For October 24, 2013)	AU Docket No. 13-53
Comment sought on competitive bidding procedures)	
For Auction 902 and certain program requirements)	

Introduction and background

The Leech Lake Band of Ojibwe (LLBO) is a federally recognized American Indian tribe that was established by Treaty in 1855. The LLBO was organized pursuant to the Indian Reorganization Act of 1934 and is one of six member-Bands of the Minnesota Chippewa Tribe. Jurisdiction over Reservation matters is vested in a five-member council, the Reservation Tribal Council (RTC). Council positions include the Chair, Secretary/Treasurer, and three District Representatives.

Fourteen communities lie within the reservation boundaries. The reservation is overlaid across four counties: Cass, Itasca, Beltrami, and Hubbard. Communities within the districts are represented by elected Local Indian Council (LIC) members to give a political voice to their concerns. The LLBO's government is responsible for enhancing the health, economic well-being, education, and inherent right to live as Ojibwe people. The Leech Lake Reservation is located in rural north-central Minnesota, approximately 235 miles north of Minneapolis/St. Paul and 100 miles south of the Canadian border. It is a rural area covering approximately 1,000 square miles of forest and water systems in the Central Pine-Hardwoods Forest eco-region. There are 300,000 acres of lakes, 120,000 acres of wetlands and 260 miles of rivers and streams within the reservation boundaries.

Cass Lake is the largest community within the reservation. In addition to Cass Lake, reservation communities include Ball Club, Bena, Inger, Onigum, Mission, Pennington, Smokey Point-Kego, Sugar Point, Oak Point, Winnie Dam, S Lake, Buck Lake-Sugar Bush, and Prescott. Most communities are very small (less than 100 residents) and isolated. The tribal council administrative offices are located in Cass Lake, which is also home to the Leech Lake Tribal College, Cass Lake Service Unit-Indian Health Service hospital/outpatient clinic, and headquarters of the Minnesota Chippewa Tribe and the Chippewa National Forest.

On behalf of the member citizens, the LLBO responds to the needs of its member citizens with regard to Tribal Mobility Fund Phase I Auction 902 scheduled for October 24, 2013. Below are areas of interest and concern of the LLBO.

Identifying geographical areas eligible for support

In preparation for this response, the LLBO challenged Qwest/Century Link (a Price Cap Carrier) for overstating wireline broadband services within the jurisdictional boundaries of the LLBO Reservation in January 2013. Qwest/CenturyLink has historically been non-responsive to tribal service requests. As the ILEC in the Cass Lake Exchange, Qwest/CenturyLink services are key to assuring that our Tribe has access to state of the art Broadband networks and services that support all areas of health, education, and economic development. The construction costs that are required from the LLBO for services from CenturyLink are exorbitant, and the patchwork of service levels throughout our tribal lands creates service issues for our member citizens that include unnecessary long distance charges between our communities.

To address our services issues, the LLBO met with CenturyLink in 1st Quarter 2013 and discussed the fact that CenturyLink does not access federal programs that provide cost support to remote high cost service areas such as the Band's tribal lands. The LLBO note that its service area cannot sustain a free market cost model. The LLBO Tribal lands are rural, remote and a high cost service area. It is in the best interest of our Tribe that we begin to be served by a service provider that meets Connect America Fund requirements. The LLBO is also served by two Rate of Return Carriers that have overbuilt in select areas within the jurisdictional boundaries of LLBO tribal lands which adds to the non-ubiquitous service levels throughout the LLBO Reservation

Additionally, the Tribe recognizes that mobile broadband exists along a major highway within the jurisdictional boundaries of our tribal lands; however mobile broadband is not available in several of our remote tribal communities. To alleviate this issue the LLBO is actively pursuing options to address gaps in mobile broadband services throughout our tribal lands.

As a first step in the process of documenting Mobile Broadband throughout our tribal lands Connected Nations was invited to conduct a Field Test to document Mobile Test Points in Eligible Census Blocks within the LLBO tribal lands. Of the 1,103 mobile tests that were performed by Connected Nations, 35 of these tests were performed within the Mobility Fund Eligible Census Blocks that lie within the exterior boundaries of the Reservation. Of these 35

mobile tests, 12 or 34% of these tests met or exceeded “768 kbps x 200 kbps ”; and 17 or 49% of these tests did not meet “768 kbps x 200 kbps ”, and 6 tests were invalid. Elements of the Field Validation Report completed by Connected Nation’s is provided as Exhibit A.

The Field Validation Report by Connected Nation was useful in identifying that in fact, of the 1,103 tests performed along miles of the reservations roadways, 358 (45%) of the test conducted met or exceeded “768 kbps x 200 kbps;” and 435 (55%) of the tests did not meet “768 kbps x 200 kbps.” Additionally, the field report is relevant to the challenge that the reference to the Pennington Community Center was devoid of service; the surrounding areas of member citizens of the Pennington Community Center aka the Cass River Community center as known by the member citizens of that American Indian community are in effect in the devoid of service area. The unincorporated town of Pennington is 3 miles north of the Cass River Community Center and the American Indian community.

In addition to the field study conducted by Connected Nation, the Leech Lake Broadband team conducted an additional 883 mobile pulse tests utilizing the same software and methods as Connected Nation. The LLBO identify and challenge the sixty (60) census blocks identified in EXHIBIT B based upon results of 883 mobile pulse tests. A number of Census Block ID areas within the jurisdictional boundaries of the reservation did not meet the FCC standards “768 kbps x 200 kbps,” and therefore should be added in as underserved eligible census blocks with the Phase I Tribal Mobility support.

EXHIBIT C - The map shows the census blocks that have zero population according to Census 2010 data. Approximately half of these census blocks that are identified as having zero population are lakes, and the remaining Census Blocks are questionable. In addition, EXHIBIT D identifies 37 census blocks that do not have Census 2010 population data. According to existing FCC rules, these census blocks are automatically excluded from being eligible for tribal mobility fund support. However, the LLBO member citizens do use the zero populated census blocks for hunting, fishing, gathering traditional food, traditional medicines, and conducting cultural activities and therefore should be added in as eligible census blocks with the Phase I Tribal Mobility support.

Cultural needs unique to communities on tribal lands

Relying upon the 1837 Land Cession Treaty, the Leech Lake Band of Ojibwe, today defend its citizen’s right to use of the land and waters within its jurisdiction. Thus sixty (60) census blocks (listed in detail in EXHIBIT B) within the jurisdictional boundaries of the LLBO are being

challenged as they represent underserved census blocks. The 37 census blocks with no population data (EXHIBIT C) in specific census tracts within the boundaries of the LLBO were excluded, and are also being challenged based upon cultural use of the land and waters within the jurisdictional boundaries of the reservation.

The specific census tracts identified in EXHIBIT B, C, and D are used by Leech Lake member citizens 365 days each year. For example, the member citizens use the land for hunting, fishing, gathering traditional food, traditional medicines, and conducting cultural activities. For example: maple sugar camps, berry picking, fishing, hunting wild game, wild rice harvesting, gathering medicines, and ceremonial practices all require access to lands within the Chippewa National Forest and the lakes within the jurisdictional boundaries of the LLBO. Member citizen's use of the land require adequate broadband access in cases of emergency and/or to conduct culture specific activities while in the areas designated to be zero population.

Ideally, the LLBO urges designation of all census tracts within its jurisdiction to be identified as eligible census tracts due to the nature of the variations of service and speeds available today none of which are consistent and representative of full service broadband.

The LLBO urges the FCC to consider the zero population census tracts within the jurisdictional boundaries of the reservation as critical access census blocks for cultural activities as described above. The LLBO have done valid studies in areas separate from the field study of Connected Nation to validate ineligible and eligible census blocks and seek FCC to include EXHIBIT C.

Explanation of Methodology for Determining Coverage, includes Maps & Drive tests

EXHIBIT E provides a qualitative and quantitative analysis of 896 mobile test points and is attached as an Excel file. The analysis distinguished areas with zero population defined by 2010 Census Data. LLBO disputes 2010 Census Data for instance an entire housing development of the LLBO has been built since then – Kego Lake expansion, Boy Lake expansion, and Mai'ingaan new development near the City of Cass Lake.

All mobile test points are identified in EXHIBIT E. Tests were done with three different carriers: Sprint, AT&T and Verizon. Mobile Pulse was the software used as the determining connection. The results of each test were posted to Mobile Pulse servers then downloaded to a spreadsheet and analyzed.

Each mobile test point (MTP) was then associated by proximity to the nearest census block centroid ID which is defined by its centroid latitude and longitude. Because of the irregular

nature and shape of each census block area, a secondary centroid ID was also selected as connected to the mobile test point.

A total of 896 census block IDs were analyzed. All data is included in the above-referenced EXHIBIT E (Excel file attached).

The final list of census block IDs that were determined underserved coverage areas did not pass any of the three carrier's (referenced above) service.

There are large areas on the reservation that were not tested because of different factors: 1) no population listed in 2010 Census (note: many of these areas are populated, census data notwithstanding), 2) the lateness and severity of the winter, hindered the team's mobile testing, and more tests will be conducted to be included in later comments.

The wireless service coverage within the same census tract due to geographical location is often widely disparate within the jurisdictional boundaries of the reservation.

Applicant Eligibility

Of major concern to the LLBO is the requirement of an irrevocable stand-by Letter (or letters) of Credit (LOC) to secure the Commission's financial commitment. A little known fact is that federally-recognized tribe's tribally-owned assets are held in trust by the federal government. These trust assets cannot be used as collateral with private banking institutions and these institutions will not issue letters of credit to tribal governments hindering tribal governments from participating in auctions. The Leech Lake Band of Ojibwe does not agree and encourages the FCC to exclude the irrevocable stand- by LOC (letter of credit) in an amount equal to the amount of support. The Leech Lake Band of Ojibwe will increase its research and come up with a recommendation in exchange.

Another issue was brought before the National Congress of American Indians earlier this year about the disadvantage tribes have with accessing or owning spectrum when all spectrum over the Leech Lake Band of Ojibwe's jurisdictional boundaries has been purchased. The Leech Lake Band of Ojibwe has a duty and responsibility to its member citizens and the lack of spectrum makes that duty and responsibility with wireless and broadband services far more challenging. The Leech Lake Band of Ojibwe encourages the FCC to adopt rules enabling access to spectrum through secondary markets thereby leveling the access and capacity for tribes to serve their member citizens.

Auction 902 Design and Bidding Procedures

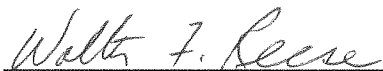
- The Leech Lake Band of Ojibwe advocates for measurement of coverage based on population including acknowledging the cultural use of zero population land and water within the jurisdictional boundaries of the Leech Lake Band of Ojibwe Reservation.
- The Leech Lake Band of Ojibwe does agree with the group approach of census blocks in the 902 Auction bidding process.
- The Leech Lake Band of Ojibwe advocates for an established maximum acceptable bid amount and/or reserve amounts.
- The Leech Lake Band of Ojibwe does support a single-round of bidding.
- The Leech Lake Band of Ojibwe does agree with proposed standard for demonstrating compliance with regard to winner certifying they will offer services in supported areas at rates comparable to those for similar services in urban areas.

Tribal Engagement

The Leech Lake Band of Ojibwe supports the FCC's tribal engagement rules.

In conclusion, the Leech Lake Band of Ojibwe, on behalf of its citizen members, appreciates the opportunity to voice the opinions of the community and expresses their eagerness for fair and consistent access to all state of the art broadband services available throughout Minnesota.

Respectfully Submitted on this 10th day of May, 2013



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